REMARKS

Applicant thanks the Examiner for the Interview held on January 16, 2009 and for indicating that the proposed amendments would overcome the art of record.

Claims 1-6, 8-12, 14-19 and 21-33 are pending. By this amendment, claims 1, 12, 17, 26, and 29 are amended to more precisely recite the novel features of the present application. Support for the amendments can be found at least in paragraphs [0023], 0047], and [0053]-[0055] of the specification. No new matter is introduced. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

35 U.S.C. § 103 Rejections

On page 4 the Office Action rejects claims 1-6, 8-12, 14-19, 21-25 and 29-33 under 35 U.S.C. §103(a) over U.S. Published Patent Application 2003/0193619 to Farrand (hereafter Farrand) in view of U.S. Patent 6,263,503 to Margulis (hereafter Margulis) and further in view of U.S. Patent 6,131,136 to Liebenow (hereafter Liebenow). The Office Action asserts on page 3 that Farrand discloses, at paragraphs [0043]-[0045], [0047], and [0116]-[0118], a data manage that automatically transfers the A/V program data between a memory and an archival storage system based on a sequence of presentation of the A/V program data because the ASIC of Farrand is a bridge device between modules. This rejection is respectfully traversed.

Farrand is directed to a system and method for speculative tuning. Margulis is directed to a method for effectively implementing a wireless television system. Liebenow is directed to a Dual mode modem for automatically selecting between wireless and wire-based communication modes. However, contrary to the Office Action's assertion on page 3, Farrand does not disclose or suggest automatically transferring the A/V program data based on a sequence of presentation of (or relationships between) the A/V program data. Acting as a bridge device between modules does not enable the ASIC of Farrand to *automatically transfer* the A/V program data *based on relationships between the A/V program data*. Further, none of the art of record discloses or suggests *automatically identifying related A/V program data* based on header data or recordation time and *automatically transferring* the *related A/V program data* without the user request.

To the contrary, claim 1 has been amended to more precisely recite the novel features of the present application and recites: "a data manager that automatically transfers the A/V program data between a memory and an archival storage system based on relationships between the A/V program data, the data manager automatically identifying related A/V program data based on header data or recordation time and automatically transferring the

related A/V program data without the user request." As detailed in the specification at least in paragraphs [0023], 0047], and [0053]-[0055], *related A/V program data*, such as a sequential episode of a television program, is *automatically identified* and *transferred*, thereby providing a mechanism virtually anticipating a subsequent transfer of the related A/V program data. As noted above and agreed upon during the January 16, 2009 Interview, Farrand, Margulis, and Liebenow, individually and in combination, do not disclose or suggest these features. Therefore, amended claim 1 is patentable.

Amended claims 12, 17, and 29 recite features similar to those of claim 1, and for this reason, claims 12, 17, and 29 also are patentable.

Claims 2-6, 8-11, and 30-33 depend from patentable claim 1; claims 14-16 depend from patentable claim 12; and claims 18-19 and 21-25 depend from patentable claim 17. For these reasons and the additional features they recite, claims 2-6, 8-11, 14-16, 18-19, 21-25, and 30-33 also are patentable. For example, regarding claim 30, contrary to the Office Action's assertion on page 10, Farrand merely describes, in paragraph [0118] and Fig. 8c, that buffering of the multimedia data ensures that the various streams will be provided to their respective multimedia devices without interruption. However, nowhere does Farrand mention "output[ting] data when buffer is full," as asserted by the Office Action, and nowhere does Farrand disclose or suggest automatically transferring the A/V program data based on a storage capacity of the memory. Similarly, regarding claim 31, contrary to the Office Action's assertion on page 10, Farrand merely describes, in paragraph [0119], that playback of a particular multimedia stream may be paused and later resumed, and the content will be streamed from the output buffer from the same point at which was paused. However, pausing playback of a particular multimedia stream is *not automatically* transferring the A/V program data *after a predetermined time period of inactivity*.

Withdrawal of the rejection of claims 1-6, 8-12, 14-19, 21-25 and 29-33 under 35 U.S.C. §103(a) is respectfully requested.

On page 11 the Office Action rejects claim 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication 20040187152 to Francis et al. (hereafter Francis) in view of Farrand. This rejection respectfully traversed.

Francis is directed to systems and techniques for sharing the capabilities of consumer electronic devices. However, as acknowledged by the Office Action on page 12, Francis does not disclose or suggest a data manager. As noted above, Farrand does not disclose or suggest a data manager that automatically transfers the available A/V program data between a memory and an archival storage system based on relationships between the available A/V

program data and does not disclose or suggest that the data manager automatically identifies related A/V program data based on header data or recordation time and automatically transfers the related A/V program data without the user request.

To the contrary, amended claim 26 recites: "a data manager that automatically transfers the available A/V program data between a memory and an archival storage system based on a relationships between the available A/V program data, the data manager automatically identifying related A/V program data based on header data or recordation time and automatically transferring the related A/V program data without the user request." As noted above and agreed upon during the January 16, 2009 Interview, Fransis and Farrand, individually and in combination, do not disclose or suggest these features. Therefore, amended claim 26 is patentable.

Withdrawal of the rejection of claim 26 under 35 U.S.C. §103(a) is respectfully requested.

On page 12 the Office Action rejects claims 27-28 under 35 U.S.C. §103(a) as being unpatentable over Francis in view of Farrand, further in view of Liebenow. This rejection respectfully traversed.

As noted above and agreed upon during the January 16, 2009 Interview, Francis, Farrand, and Liebenow, individually and in combination, do not disclose or suggest "a data manager that automatically transfers the available A/V program data between a memory and an archival storage system based on a relationships between the available A/V program data, the data manager automatically identifying related A/V program data based on header data or recordation time and automatically transferring the related A/V program data without the user request," as recited in amended claim 26, and claim 26 is patentable.

Claims 27-28 depend from patentable claim 26. For these reasons and the additional features they recite, claims 27-28 also are patentable.

Withdrawal of the rejection of claims 27-28 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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Kelly Lee Kasha
Registration No. 47,743
Andrews Kurth LLP
1350 I Street, NW
Suite 1100
Washington, DC 20005
Tel. (202) 662-2736
Fax (202) 662-2739

WAS:143812.1